

**Changes to legislation:** Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Powers and duties of appointed person is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 1B

#### DECISIONS ON REVIEWS BY PERSON APPOINTED BY WELSH MINISTERS

##### Textual Amendments

- F1** Sch. 1A, Sch. 1B inserted (21.3.2016 for specified purposes, 31.5.2017 in so far as not already in force) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), s. 41(1)(c)(3), [Sch. 2](#); S.I. 2017/633, art. 5(f)

##### *Powers and duties of appointed person*

- 2 (1) An appointed person has the same powers and duties in relation to a review under section 2D as the Welsh Ministers have—
- (a) under subsections (3)(a) and (b) and (5) of that section; and
  - (b) by virtue of section 322C and 323A of the Town and Country Planning Act 1990 (costs and procedural matters: Wales), as applied to this Act by section 89 of this Act.
- (2) Where an appointed person makes a decision on a review under section 2D, the decision is to be treated as that of the Welsh Ministers.
- (3) Except as provided by sections 62 and 63, the validity of the decision is not to be questioned in any legal proceedings.
- (4) No application may be made to the High Court under section 63 on the ground that the decision ought to have been made by the Welsh Ministers and not by an appointed person unless the person who made the application for the review challenges the appointed person's power to make the decision before the decision is made.
- (5) Where in any enactment (including this Act) there is a reference to the Welsh Ministers in a context relating or capable of relating—
- (a) to a review under section 2D; or
  - (b) to anything done or authorised or required to be done by, to or before the Welsh Ministers in or in connection with any such review,
- then, so far as the context permits and subject to sub-paragraph (6), the reference is to be construed, in relation to a review on which a decision has been made or is to be made by an appointed person, as a reference to that person.
- (6) Sub-paragraph (5) does not permit references to the Welsh Ministers in section 2D(2)(c), (3)(c) or (6) to be construed as references to an appointed person.
- (7) Sub-paragraph (1) does not affect the generality of sub-paragraph (5).]

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1A)(1B) inserted by 2023 c. 55 s. 105(2)
- s. 12(4A) inserted by 2008 c. 29 Sch. 10 para. 16
- s. 16(2A) inserted by 2023 c. 55 s. 102(3)
- s. 22(2A) inserted by 2008 c. 29 Sch. 10 para. 18(2)
- s. 40(2A) inserted by 2008 c. 29 Sch. 10 para. 19
- s. 49(1) s. 49 renumbered as s. 49(1) by 2023 asc 3 Sch. 13 para. 127(b)
- s. 49(2) inserted by 2023 asc 3 Sch. 13 para. 127(c)
- s. 54(8) inserted by 2023 c. 55 s. 104(2)(c)
- s. 55(2A) inserted by 2023 c. 55 s. 104(3)(a)
- s. 55(5H)(5I) inserted by 2023 c. 55 s. 104(3)(f)
- s. 55(5BA) inserted by 2023 c. 55 s. 104(3)(d)
- s. 56A and cross-heading inserted by 2016 anaw 4 s. 31(1)
- s. 66(1A) inserted by 2023 c. 55 s. 102(4)(a)
- s. 66(2A) inserted by 2023 c. 55 s. 102(4)(b)
- s. 66(5) inserted by 2023 asc 3 Sch. 13 para. 136
- s. 82A(2)(ha) inserted by 2016 anaw 4 s. 31(2)
- s. 89(1ZA) inserted by 2008 c. 29 Sch. 10 para. 22
- s. 93(5A) inserted by 2008 c. 29 Sch. 10 para. 23(3)
- s. 93(5A) words inserted by 2013 c. 24 Sch. 17 para. 18(3)
- Sch. 3 para. 2(4A) inserted by 2008 c. 29 Sch. 10 para. 24(2)
- Sch. 3 para. 2(9) inserted by 2008 c. 29 Sch. 10 para. 24(3)
- Sch. 3 para. 3(4A)(4B) inserted by 2008 c. 29 Sch. 10 para. 24(4)
- Sch. 3 para. 6(1A) inserted by 2008 c. 29 Sch. 10 para. 24(6)